



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 69 of 1981

An Act to amend the South Australian Health Commission Act, 1975-1980.

[Assented to 22 October 1981]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "South Australian Health Commission Act Amendment Act, 1981". Short titles.

(2) The South Australian Health Commission Act, 1975-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "South Australian Health Commission Act, 1975-1981".

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. Section 4 of the principal Act is amended by inserting before the item:
DIVISION V—HEALTH CENTRE FEES
the item:

DIVISION IVA—BY-LAWS

Amendment of
s. 4—
Arrangement of
Act.

4. Section 6 of the principal Act is amended—

(a) by striking out the definition of "Government health centre" and substituting the following definition:

"Government health centre" means a health centre designated as a Government health centre by the regulations;

Amendment of
s. 6—
Interpretation.

- (b) by striking out the definition of "health centre" and substituting the following definition:

"health centre" means a body of persons (whether corporate or unincorporate) by which health services are provided, being health services that may include services provided to persons on a live-in basis;;

and

- (c) by striking out the definitions of "incorporated health centre" and "incorporated hospital" and substituting the following definitions:

"hospital" means a body of persons (whether corporate or unincorporate) by which health services are provided, being health services that include services provided to persons on a live-in basis:

"incorporated health centre" means an incorporated health centre established under Part IV:

"incorporated hospital" means an incorporated hospital established under Part III:.

Amendment of
s. 16—
Functions of
the Commission.

5. Section 16 of the principal Act is amended by inserting in subsection (1) after paragraph (f) the following paragraph:

(fa) to ensure that incorporated hospitals, incorporated health centres and any health service established, maintained or operated by, or with the assistance of, the Commission are operated in an efficient and economical manner;.

Amendment of
s. 17—
Delegation.

6. Section 17 of the principal Act is amended by inserting in subsection (1) after the passage "officer or employee of the Commission" the passage "or officer of the Public Service of the State".

Amendment of
s. 21—
Superannuation,
accrued leave
rights, etc.

7. Section 21 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Where a person becomes an officer or employee of the Commission after ceasing to be employed—

(a) in the Public Service of the State;

(b) by an incorporated hospital;

or

(c) by an incorporated health centre,

and that employment with the Commission follows immediately upon the cessation of that previous employment, the following provisions shall apply—

(d) his existing and accruing rights immediately before the cessation of that previous employment in respect of recreation leave, sick leave and long service leave shall continue in full force and effect as if that previous employment had been employment by the Commission;

and

(e) he shall not be entitled to payment in lieu of those rights.

(3) Except where subsection (2) applies, where a person becomes an officer or employee of the Commission within three months after ceasing to be employed—

(a) in the Public Service of the State;

(b) by an incorporated hospital;

(c) by an incorporated health centre;

or

(d) in prescribed employment,

his existing and accruing rights immediately before the cessation of that employment in respect of recreation leave, sick leave and long service leave shall continue to the extent directed by the Commission and subject to such conditions as may be imposed by the Commission as if that previous employment had been employment by the Commission.

8. Section 26 of the principal Act is amended by inserting in subsection (1) after the passage "activities of the Commission" the passage "and the efficiency of incorporated hospitals, incorporated health centres and any health service established, maintained or operated by, or with the assistance of, the Commission,".

Amendment of
s. 26—
Annual report.

9. Section 27 of the principal Act is amended by striking out subsections (1), (2) and (3) and substituting the following subsections:

Amendment of
s. 27—
Incorporation,
etc.

(1) The Governor may, by proclamation—

(a) establish an incorporated hospital to provide health services in accordance with its constitution;

and

(b) assign a name to the incorporated hospital.

(2) A proclamation under subsection (1) that establishes an incorporated hospital to take over from any other body the function of providing health services provided by that other body before the date of the proclamation may provide that any incorporation of that other body is dissolved, and the proclamation shall have effect according to its terms.

(3) Where the incorporation of a body is dissolved by a proclamation under subsection (1), all the real and personal property and rights and liabilities of that body are, by force of this section, transferred to and vested in the incorporated hospital established by the proclamation.

(3a) A proclamation shall not be made under subsection (1)—

(a) that establishes an incorporated hospital to take over from any other body (not being the Commission or a Government hospital or Government health centre) the function of providing health services provided by that other body before the date of the proclamation unless—

(i) the governing body of that other body consents to the establishment of the incorporated hospital;

and

- (ii) the Commission and the governing body have reached mutual agreement upon the terms of the constitution under which the incorporated hospital is to operate;

or

- (b) in any other case, unless the Commission has approved the terms of the constitution under which the incorporated hospital is to operate.

Amendment of
s. 31—
Superannuation,
accrued leave
rights, etc.

10. Section 31 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Where a person becomes an officer or employee of an incorporated hospital after ceasing to be employed—

- (a) in the Public Service of the State;
(b) by the Commission;
(c) by another incorporated hospital;

or

- (d) by an incorporated health centre,

and that employment with the incorporated hospital follows immediately upon the cessation of that previous employment, the following provisions shall apply—

- (e) his existing and accruing rights immediately before the cessation of that previous employment in respect of recreation leave, sick leave and long service leave shall continue in full force and effect as if that previous employment had been employment by the incorporated hospital;

and

- (f) he shall not be entitled to payment in lieu of those rights.

(3) Except where subsection (2) applies, where a person becomes an officer or employee of an incorporated hospital within three months after ceasing to be employed—

- (a) in the Public Service of the State;
(b) by the Commission;
(c) by another incorporated hospital;
(d) by an incorporated health centre;

or

- (e) in prescribed employment,

his existing and accruing rights immediately before the cessation of that employment in respect of recreation leave, sick leave and long service leave shall continue to the extent directed by the board of the hospital and subject to such conditions as may be imposed by that board as if that previous employment had been employment by the hospital.

Repeal
of s. 32.

11. Section 32 of the principal Act is repealed.

12. Section 34 of the principal Act is amended—Amendment of
s. 34—
Accounts and
audit.

(a) by inserting in subsection (2) after the word "hospital" the passage
"other than a prescribed incorporated hospital,";
and

(b) by inserting after subsection (2) the following subsections:

(3) The accounts of a prescribed incorporated hospital shall be audited at least once in every year by the Auditor-General.

(4) For the purposes of the audit, the Auditor-General shall have and may exercise, in relation to the accounts of prescribed incorporated hospitals and the officers and employees of such hospitals, the same powers as are vested in him by virtue of the Audit Act, 1921-1981, in relation to public accounts and accounting officers.

13. Section 48 of the principal Act is amended by striking out subsections (1), (2) and (3) and substituting the following subsections:Amendment of
s. 48—
Incorporation
etc.

(1) The Governor may, by proclamation—

(a) establish an incorporated health centre to provide health services in accordance with its constitution;
and

(b) assign a name to the incorporated health centre.

(2) A proclamation under subsection (1) that establishes an incorporated health centre to take over from any other body the function of providing health services provided by that other body before the date of the proclamation may provide that any incorporation of that other body is dissolved, and the proclamation shall have effect according to its terms.

(3) Where the incorporation of a body is dissolved by a proclamation under subsection (1), all the real and personal property and rights and liabilities of that body are, by force of this section, transferred to and vested in the incorporated health centre established by the proclamation.

(3a) A proclamation shall not be made under subsection (1)—

(a) that establishes an incorporated health centre to take over from any other body (not being the Commission or a Government hospital or Government health centre) the function of providing health services provided by that other body before the date of the proclamation unless—

(i) the governing body of that other body consents to the establishment of the incorporated health centre;

and

(ii) the Commission and the governing body have reached mutual agreement upon the terms of the constitution under which the incorporated health centre is to operate;

or

- (b) in any other case, unless the Commission has approved the terms of the constitution under which the incorporated health centre is to operate.

Amendment of
s. 51—
Officers and
employees.

14. Section 51 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) The management committee of an incorporated health centre may, with the approval of the Minister administering any Department of the Public Service of the State, make use of the services of any officer, or use any facilities or equipment, of that Department.

Amendment of
s. 52—
Superannuation
accrued leave
rights, etc.

15. Section 52 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Where a person becomes an officer or employee of an incorporated health centre after ceasing to be employed—

- (a) in the Public Service of the State;
- (b) by the Commission;
- (c) by an incorporated hospital;

or

- (d) by another incorporated health centre,

and that employment with the incorporated health centre follows immediately upon the cessation of that previous employment, the following provisions shall apply—

- (e) his existing and accruing rights immediately before the cessation of that previous employment in respect of recreation leave, sick leave and long service leave shall continue in full force and effect as if that previous employment had been employment by the incorporated health centre;

and

- (f) he shall not be entitled to payment in lieu of those rights.

(3) Except where subsection (2) applies, where a person becomes an officer or employee of an incorporated health centre within three months after ceasing to be employed—

- (a) in the Public Service of the State;
- (b) by the Commission;
- (c) by an incorporated hospital;
- (d) by another incorporated health centre;

or

- (e) in prescribed employment,

his existing and accruing rights immediately before the cessation of that employment shall continue to the extent directed by the management committee of the health centre and subject to such conditions as may be imposed by that committee as if that previous employment had been employment by the health centre.

16. Section 53 of the principal Act is repealed.

Repeal of
s. 53.

17. Section 55 of the principal Act is amended—

Amendment of
s. 55—
Accounts
audit.

(a) by inserting in subsection (2) after the word “centre” the passage
“, other than a prescribed incorporated health centre,”;

and

(b) by inserting after subsection (2) the following subsections:

(3) The accounts of a prescribed incorporated health centre shall be audited at least once in every year by the Auditor-General.

(4) For the purposes of the audit, the Auditor-General shall have and may exercise, in relation to the accounts of prescribed incorporated health centres and the officers and employees of such health centres, the same powers as are vested in him by virtue of the Audit Act, 1921-1981, in relation to public accounts and accounting officers.

18. The following Division and heading are inserted after section 57 of the principal Act:

Insertion of
new
Division IVA.

DIVISION IVA—BY-LAWS

57aa. (1) The management committee of an incorporated health centre may make, alter and repeal by-laws—

By-laws.

(a) relating to the discharge and performance by the health centre of its functions and duties, or the administration of the health centre;

(b) necessary or expedient for the maintenance of good order, the protection of property of the health centre, or the prevention of hindrance to, or interference with, any activities carried on at the health centre or in any part of its grounds;

(c) prescribing fines not exceeding fifty dollars for contravention of any by-law.

(2) Every by-law made under this section must be sealed with the seal of the incorporated health centre and submitted to the Commission for approval.

(3) Upon approval of a by-law made under this section the by-law shall be transmitted to the Governor for confirmation and upon confirmation by the Governor shall come into force.

19. Section 61 of the principal Act is amended by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

Amendment of
s. 61—
Recognized
organizations.

(a) the Federated Miscellaneous Workers' Union of Australia, South Australian Branch;.

Insertion of
new s. 62a.

Notification of
dissolution of
incorporated
body.

20. The following section is inserted after section 62 of the principal Act:

62a. Where the incorporation of a body is dissolved pursuant to this Act, the Commission shall, by writing, notify the Corporate Affairs Commission of that fact.

Repeal of
third schedule.

21. The third schedule to the principal Act is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor